

HOUSE BILL NO. 1131

Introduced by

Representatives Hofstad, Schmidt, Vigesaa

Senators Carlisle, Lyson, Schaible

1 A BILL for an Act to amend and reenact section 20.1-03-11 of the North Dakota Century Code,
2 relating to big game and gratis licenses; and to declare an emergency.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 20.1-03-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **20.1-03-11. License to hunt big game required - Limitations on licenses.**

- 7 1. An individual may not hunt, kill, take, or attempt to take any big game without having
8 the appropriate big game hunting license and a locking seal bearing a number
9 corresponding to the number of the big game hunting license or stamp. The locking
10 seal must be issued as an integral part of the big game hunting license. Except as
11 otherwise provided in this subsection, an individual may not apply for or be issued a
12 big game hunting license ~~if~~unless that individual's fourteenth or subsequent birthday
13 ~~does not occur on or before the opening date of~~occurs in the same year as the
14 ~~respective big game hunting season provided, however, that an individual who is~~
15 ~~under fourteen years of age and who will be eligible to hunt on the opening date of or~~
16 ~~during the regular deer hunting season may hunt during the youth deer season.~~ This
17 age limitation does not apply to applicants for big game licenses for hunting by bow
18 and arrow. Each violation of this section is a distinct and separate offense. The
19 following provisions govern youth deer and antelope hunting:
- 20 a. An individual whose twelfth or thirteenth birthday occurs ~~on or before the opening~~
21 ~~date of or during the~~in the same year as a youth deer hunting season ~~but is~~
22 ~~younger than fourteen years of age~~ is entitled to receive a statewide white-tailed
23 antlerless deer permit but may hunt only in ~~the~~that youth deer hunting season.

- 1 b. An individual whose twelfth or thirteenth birthday occurs ~~on or before the opening~~
2 ~~date of or during the~~ in the same year as an antelope hunting season ~~but is~~
3 ~~younger than fourteen years of age~~ is entitled to apply for an antelope permit for
4 that season.
- 5 c. An individual hunting under subdivision a or b must be accompanied by the
6 individual's parent, guardian, or other individual authorized by the individual's
7 parent or guardian. As used in this section, "accompanied" means to stay within a
8 distance that permits uninterrupted visual contact and unaided verbal
9 communication.
- 10 2. The number of licenses issued, including those licenses issued without charge under
11 the provisions of this section, shall not exceed the number of licenses authorized by
12 the governor's proclamation issued pursuant to section 20.1-08-04.
- 13 3. An individual ~~A person who is a resident~~, corporation, limited liability company, limited
14 liability partnership, limited partnership, or partnership that ~~and who has executed a~~
15 ~~lease for at least one hundred sixty acres [64.75 hectares]~~ an entire quarter section of
16 ~~land, regardless of size, and that actively farms or ranches that land or an individual,~~
17 corporation, limited liability company, limited liability partnership, limited partnership, or
18 partnership that ~~a person who is a resident and holds title to at least one hundred sixty~~
19 ~~acres [64.75 hectares]~~ an entire quarter section of land, regardless of size, is eligible to
20 ~~apply for a license to hunt deer without charge, or if that entity is a nonresident upon~~
21 ~~Upon payment of the fee requirement for a nonresident big game license, upon and~~
22 ~~filing a signed application describing that land, a person who is a nonresident is~~
23 ~~eligible to hunt deer. If the license is issued to a corporation, limited liability company,~~
24 limited liability partnership, limited partnership, or partnership an organization, only
25 ~~more than one license may be issued and the license must be issued in the name of~~
26 ~~an individual who is a beneficiary of a trust or estate, a shareholder of a corporation or~~
27 ~~company, member, or the holder of a life estate, a partner of a partnership, or a~~
28 ~~member of an association, enterprise, venture, or other entity. The land must be within~~
29 ~~a unit open for the hunting of deer. The license must include a legal description of the~~
30 ~~eligible land described in the completed application and may be used to hunt deer only~~
31 ~~upon that land. A license issued under this subsection is valid for the deer bow, deer~~

1 ~~gun, and muzzleloader seasons until filled. However, an individual, that individual's~~
2 ~~spouse, and their children who have a license issued under this subsection may hunt~~
3 ~~together on land described in any of the affidavits making them eligible for the license.~~
4 ~~Family members hunting together under this provision shall hunt within the same unit~~
5 ~~within which the land described in the affidavit making them eligible for the license is~~
6 ~~located. Upon request, a lessee shall provide proof that the land described in the~~
7 ~~completed application is leased for agricultural purposes. An individual who is eligible~~
8 ~~for a license under this subsection may transfer that eligibility for the license to a~~
9 ~~spouse or legal dependent residing customarily with that individual, but no more than~~
10 ~~one license may be issued under this subsection for any qualifying land. An individual~~
11 ~~transferring eligibility under this subsection may not receive a license under this~~
12 ~~subsection for the season for which the eligibility was transferred. If not otherwise~~
13 ~~specified in an agricultural lease, the landowner is entitled to receive the license.~~

14 a. An individual, corporation, limited liability company, limited liability partnership,
15 limited partnership, partnership, trust, or life estate that hold title to at least one
16 hundred fifty acres [60.70 hectares] of land is eligible to apply for a license to
17 hunt deer without charge, or if the individual named to receive the license is a
18 nonresident, upon payment of the fee required for a nonresident big game
19 license.

20 b. A resident that is an individual, corporation, limited liability company, limited
21 liability partnership, limited partnership, partnership, trust, or life estate that has
22 executed a lease for at least one hundred fifty acres [60.7028 hectares] of land
23 and that actively farms or ranches that land is eligible to apply for a license to
24 hunt deer without charge. Upon request, a lessee shall provide proof the land
25 described in the completed application is leased for agricultural purposes. If not
26 otherwise specified in an agricultural lease, the landowner is entitled to receive
27 the license. An individual issued a license under this subsection must be a
28 resident.

29 c. Applications must include a legal description of the eligible land, must be within a
30 unit open for the hunting of deer, and must be signed. A license issued under this

- 1 subsection is valid for the deer bow, deer gun, and muzzleloader seasons until
2 filled and only upon the land described in the application.
- 3 d. If the eligible applicant in subsections a and b is a corporation, limited liability
4 company, limited liability partnership, limited partnership, partnership, trust, or life
5 estate, only one license may be issued and the license must be issued in the
6 name of an individual shareholder, member, partner, beneficiary, or holder of a
7 life estate.
- 8 e. An individual who is eligible for a license under subsections a and b may transfer
9 that eligibility for the license to a spouse or legal dependent residing customarily
10 with that individual. An individual may be eligible for only one license. No more
11 than one license may be issued under this subsection for all qualifying land. An
12 individual transferring eligibility under this subsection may not receive a license
13 under subsections a and b for seasons for which the eligibility was transferred.
- 14 f. An individual, that individual's spouse, and their children who have a license
15 issued under subsections a and b may hunt together on land described in any of
16 the applications making them eligible for the license. Family members hunting
17 together under this provision must hunt within the same unit within which the land
18 described in the application making them eligible for the license is located.
- 19 g. Applications for license issued under subsections a, b, and f received by the
20 game and fish department on or before the date of the application deadline for
21 deer gun lottery will be issued as any legal deer. Applications for license issued
22 under subsections a, b, and f received by the game and fish department after the
23 the application deadline will be issued based on licenses available.
- 24 4. One percent of the total deer licenses and permits to hunt deer with guns to be issued
25 in any unit or subunit as described in the governor's proclamation, including licenses
26 issued to nonresidents under subsection 3, must be allocated for nonresidents.
27 Notwithstanding the number of licenses allocated under this subsection, upon
28 payment of the fee requirement for a nonresident who participates on the same basis
29 as a resident in a lottery for deer licenses remaining after the second lottery for
30 residents, a nonresident may participate on the same basis as a resident in a lottery
31 for deer licenses remaining after the second lottery for residents.

- 1 5. A resident who has executed a lease for at least ~~one hundred sixty acres [64.75-~~
2 ~~hectares]~~an entire quarter section one hundred fifty acres [60.78 hectares] of land,
3 ~~regardless of size,~~ and who actively farms or ranches that land or a resident who holds
4 title to at least ~~one hundred sixty acres [64.75 hectares]~~an entire quarter section one
5 hundred fifty acres [60.78 hectares] of land, ~~regardless of size,~~ is eligible to apply for a
6 license to hunt antelope without charge upon filing a signed application describing that
7 land. The land must be within a unit open for the hunting of antelope. The license must
8 include a legal description of the eligible land described in the completed application
9 and may be used to hunt antelope only upon that land. Upon request, a lessee shall
10 provide proof that the land described in the completed application is leased for
11 agricultural purposes. A resident who is eligible for a license under this subsection may
12 transfer that eligibility for the license to a spouse or legal dependent residing
13 customarily with the resident, but no more than one license may be issued under this
14 subsection for any qualifying land. A resident transferring eligibility under this
15 subsection may not receive a license under this subsection for the season for which
16 eligibility was transferred. If not otherwise specified in an agricultural lease, the
17 landowner is entitled to receive the license. The number of licenses issued without
18 charge under this subsection may not exceed the total number of licenses prescribed
19 for each district or unit in the governor's proclamation. If the number of eligible persons
20 who apply for licenses issued without charge under this subsection exceeds the
21 number of licenses prescribed for the district or unit in the governor's proclamation
22 less any licenses that are otherwise designated to be issued with a charge under this
23 subsection, the licenses to be issued without charge must be issued by lottery as
24 prescribed in the governor's proclamation. If the number of licenses prescribed for the
25 district or unit in the governor's proclamation exceeds fifty and if the number of
26 applications for these licenses exceeds the number of licenses prescribed for the
27 district or unit in the governor's proclamation, then one-half of the licenses exceeding
28 fifty must be issued by lottery as prescribed in the governor's proclamation and may
29 not be issued to landowners without charge.
- 30 6. A person who is unable to step from a vehicle without aid of a wheelchair, crutch,
31 brace, or other mechanical support or prosthetic device or who is unable to walk any

1 distance because of a permanent lung, heart, or other internal disease that requires
2 the person to use supplemental oxygen to assist breathing and who receives or
3 obtains, whether issued by lottery or otherwise, a license to hunt deer, is entitled to
4 convert one license to take any sex or species of deer in the unit or subunit for which
5 the license is issued. Notwithstanding any other law or any provision contained in the
6 governor's proclamation concerning the hunting of deer, a person who is unable to
7 step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical
8 support or prosthetic device or who is unable to walk any distance because of a
9 permanent lung, heart, or other internal disease that requires the person to use
10 supplemental oxygen to assist breathing is entitled to apply for a license to hunt deer
11 regardless of whether that person received a license to hunt deer in any prior year.

- 12 7. A resident who has executed a lease for at least ~~one hundred sixty acres [64.75-~~
13 ~~hectares]~~an entire quarter section one hundred fifty acres [60.78 hectares] of land,
14 ~~regardless of size,~~ and who actively farms or ranches that land or a resident who holds
15 title to at least ~~one hundred sixty acres [64.75 hectares]~~an entire quarter section one
16 hundred fifty acres [60.78 hectares] of land, ~~regardless of size,~~ is eligible to apply for a
17 license to hunt elk upon filing a signed application describing that land and payment of
18 the fee requirement for a resident big game license. The land must be within a unit
19 open for the hunting of elk. The license must include a legal description of the eligible
20 land described in the completed application and may be used to hunt elk within the
21 district or unit in which the land described in the completed application is located.
22 Upon request, a lessee shall provide proof that the land described in the completed
23 application is leased for agricultural purposes. A resident who is eligible for a license
24 under this subsection may transfer that eligibility for the license to a spouse or legal
25 dependent residing customarily with the resident, but no more than one license may
26 be issued under this subsection for any qualifying land. If not otherwise specified in an
27 agricultural lease, the landowner is entitled to receive the license. The governor's
28 proclamation may restrict the districts or units for which preferential licenses may be
29 issued under this subsection. The number of licenses issued under this subsection for
30 each designated district or unit for hunting elk may not exceed fifteen percent of the
31 total licenses prescribed in the governor's proclamation for each district or unit. If the

1 number of applications for licenses to be issued under this subsection in a district or
2 unit exceeds the maximum number of such licenses allocated to that district or unit,
3 the licenses to be issued must be issued by weighted lottery as prescribed in the
4 governor's proclamation. Licenses to hunt elk may not be issued under this subsection
5 when the total number of licenses prescribed in the governor's proclamation is fewer
6 than twenty. The director may issue special elk depredation management licenses to
7 landowners in designated areas around Theodore Roosevelt national park upon
8 payment of the fee requirement for a resident big game license. The provisions of this
9 section governing the number of licenses issued for each designated district or unit for
10 hunting elk do not apply to special elk depredation management licenses and a person
11 who receives such a license under this subsection is eligible to apply for a license to
12 hunt elk in future years and is eligible to participate in the raffle under section
13 20.1-08-04.6. An individual who has been convicted of illegally taking a moose, elk, or
14 bighorn sheep is not eligible to apply for or receive a license under this subsection.

- 15 8. A resident who has executed a lease for at least ~~one hundred sixty acres [64.75-~~
16 ~~hectares]~~an entire quarter section one hundred fifty acres [60.78 hectares] of land,
17 ~~regardless of size,~~ and who actively farms or ranches that land or a resident who holds
18 title to at least ~~one hundred sixty acres [64.75 hectares]~~an entire quarter section
19 one hundred fifty acres [60.78 hectares] of land, ~~regardless of size,~~ is eligible to apply for a
20 license to hunt moose without charge upon filing a signed application describing that
21 land. The land must be within a unit open for the hunting of moose. The license must
22 include a legal description of the eligible land described in the completed application
23 and may be used to hunt moose only upon that land. Upon request, a lessee shall
24 provide proof that the land described in the completed application is leased for
25 agricultural purposes. A resident who is eligible for a license under this subsection may
26 transfer that eligibility for the license to a spouse or a legal dependent residing
27 customarily with the resident, but no more than one license may be issued under this
28 subsection for any qualifying land. A resident transferring eligibility under this
29 subsection is not eligible to apply for a license to hunt moose in future years but is
30 eligible to participate in the raffle under section 20.1-08-04.2. If not otherwise specified
31 in an agricultural lease, the landowner is entitled to receive the license. The number of

1 licenses issued under this subsection for a district or unit may not exceed fifteen
2 percent of the total licenses prescribed in the governor's proclamation for that district
3 or unit. If the number of eligible persons who apply for a license under this subsection
4 exceeds the number of licenses available under this subsection, the licenses must be
5 issued by lottery as prescribed in the governor's proclamation. A person who receives
6 a license under this subsection and who is successful in harvesting a moose is not
7 eligible to apply for a license to hunt moose in future years but is eligible to participate
8 in the raffle under section 20.1-08-04.2. Notwithstanding this subsection, if a person
9 other than the transferee of license eligibility is unsuccessful in harvesting a moose
10 under this subsection, that person may return the unused license to the department
11 and is eligible to apply for, but not transfer, an additional license to hunt moose in
12 future years. A person who receives a second license under this subsection is not
13 eligible to participate in the raffle under section 20.1-08-04.2. If a person receives a
14 license under this subsection, the person's spouse, children, and parents living with
15 the person are not eligible to receive a license under this subsection for the district or
16 unit in which the land described in the completed application is located, unless the
17 person has sold or otherwise transferred the person's rights to the land described in
18 the completed application. The governor's proclamation may restrict the area of land
19 within a unit open for the hunting of moose for which a preferential license is issued
20 under this subsection. If the proclamation restricts the area for issuance of preferential
21 licenses, an applicant must own or lease land within the restricted area to be eligible to
22 apply for a license to hunt moose upon payment of the fee required for a resident big
23 game license. The license may be used to hunt moose within the entire unit in which
24 the land described in the completed application is located. A successful applicant from
25 a restricted area may not return an unused license to regain eligibility for a license to
26 hunt moose in future years. An individual who has been convicted of illegally taking a
27 moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this
28 subsection.

- 29 9. A person who holds a valid license to hunt deer may hunt the same species and sex of
30 deer, for which that person's license is valid, on land in an adjoining unit for which that
31 person would be eligible for a gratis deer license under subsection 3.

- 1 10. Fifteen percent of the total mule deer licenses and permits to hunt mule deer made
- 2 available in the immediately preceding year for the regular gun season must be made
- 3 available to nonresidents to hunt any deer with bow and arrow.

4 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.